

S/N 09/903,448

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

Applicant: Kuriacose Joseph et al. Examiner: Unknown
Serial No.: 09/903,448 Group Art Unit: 2783
Filed: July 10, 2001 Docket: 2050.001US5
Title: APPARATUS FOR TRANSMITTING AND RECEIVING EXECUTABLE
APPLICATIONS AS FOR A MULTIMEDIA SYSTEM, AND METHOD AND
SYSTEM TO ORDER AN ITEM USING A DISTRIBUTED COMPUTING SYSTEM

PETITION TO REVIVE APPLICATION UNDER 37 C.F.R. 1.137(b)

MS PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicants respectfully request the revival of the above-identified reissue patent application under 37 CFR §1.137(b) as being unintentionally abandoned for failure to properly respond to the Notice to File Missing Parts mailed November 16, 2001 (copy enclosed) by the seven-month deadline of June 16, 2002.

Abandonment of this application was unintentional, and the entire delay in filing the present response to the Notice to File Missing Parts from due date for the reply until the filing of this Petition was unintentional.

Accompanying this Petition is an executed Consent of Assignee to the Reissue Under 37 C.F.R. § 1.172, in accordance with 37 C.F.R. 3.73(b), establishing ownership of U.S. Patent No. 5,819,034 from which this reissue application claims priority.

Also accompanying this Petition are copies of the Notice of Abandonment mailed November 22, 2004, the Notice to File Missing Parts mailed November 16, 2001, the Withdrawal of Previously Sent Notice mailed November 16, 2001, and a Revocation and Power of Attorney document executed by the assignee.

The Commissioner is authorized to charge the Petition Fee of \$1500.00 due under 37 CFR §1.17(m), and any other fees which may be due, to Deposit Account No. 19-0743.

02/24/2005 AWONDAF1 00000019 190743 09903448
01 FC:1453 1500.00 DA

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FEB 25 2005
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PETITION TO REVIVE APPLICATION UNDER 37 CFR 1.137(b)

Serial Number: 09/903,448

Filing Date: July 10, 2001

Title: APPARATUS FOR TRANSMITTING AND RECEIVING EXECUTABLE APPLICATIONS AS FOR A MULTIMEDIA SYSTEM, AND METHOD AND SYSTEM TO ORDER AN ITEM USING A DISTRIBUTED COMPUTING SYSTEM

Page 2

Dkt: 2050.001US5

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at 408-333-9972 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

KURIACOSE JOSEPH ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

P.O. Box 2938

Minneapolis, MN 55402

408-333-9972

Date

02/18/05

By

Andre L Marais

Reg. No. 48,095

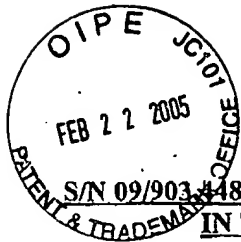
CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS PETITION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 18 day of February, 2005.

Name

Peter Rebuffani

Signature

Peter Rebuffani



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Serial No.: 09/903,448 Group Art Unit: 2783
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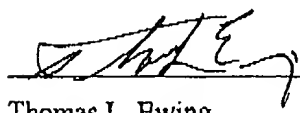
CONSENT OF ASSIGNEE TO THE REISSUE UNDER 37 C.F.R. § 1.172

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

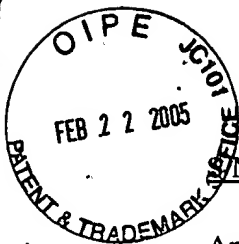
OpenTV, Inc., assignee of the entire right, title and interest in and to U.S. Application Serial No. 08/233,908 filed April 28, 1994, now U.S. Patent No. 5,819,034, issued on October 6, 1998, and entitled "Apparatus for Transmitting and Receiving Executable Applications as for a Multimedia System," hereby consents to the filing of the above-referenced reissue application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


Thomas L. Ewing
Vice President - OpenTV, Inc.

Feb. 8, 2005
Date

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IN 09/903,448

PATENT

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SYSTEM

NOTIFICATION OF CHANGE OF CORRESPONDENCE ADDRESS

MS PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicants respectfully request that all future correspondence in the above-identified
patent application be addressed to:

Customer Number 44367, whose address is:

Schwegman, Lundberg, Woessner & Kluth, P.A.
P. O. Box 2938
Minneapolis, MN 55402

Respectfully submitted,

KURIACOSE JOSEPH ET AL.


By Applicants' Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
408-333-9972

Date

02/18/05

By


Andre L. Marais
Reg. No. 48,095

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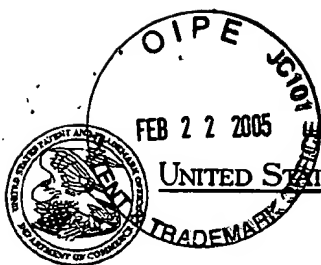
FEB 25 2005

OFFICE OF PETITIONS

CERTIFICATE UNDER 37 CFR § 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS PETITION, Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450, on this 18 day of February, 2005

Peter Rebuttoni
Name

Peter Rebuttoni
Signature



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

2050-001485

| APPLICATION NUMBER | FILING OR 371(C) DATE | FIRST NAMED APPLICANT | ATTY. DOCKET NO./TITLE |
|--------------------|-----------------------|-----------------------|------------------------|
| 09/903,448 | 07/10/2001 | Kuriacose Joseph | 05214.P001RD4 |

CONFIRMATION NO. 9025

ABANDONMENT/TERMINATION LETTER



OC000000014426798

Schwegman Lundberg Woessner & Kluth PA
 121 South Eighth Street
 Suite 1600
 Minneapolis, MN 55402

Date Mailed: 11/22/2004

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 11/16/2001.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

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FEB 25 2005

OFFICE OF PETITIONS

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
 Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

PORTFOLIO I.P.

NOV 29 2004

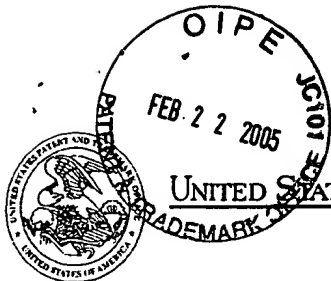
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ABAN UNINTENTIONAL



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 09/903,448 | 07/10/2001 | Kuriacose Joseph | 05214.P001RD4 |

CONFIRMATION NO. 9025

FORMALITIES LETTER



OC000000007081083

Andre L Marais
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025-1026

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FEB 25 2005

OFFICE OF PETITIONS

Date Mailed: 11/16/2001

NOTICE TO FILE MISSING PARTS OF REISSUE APPLICATION

Filing Date Granted

An application number and filing date have been accorded to this reissue application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- Assignee's statement under 37 CFR 3.73(b) establishing ownership of the patent is missing. 37 CFR 1.172 requires that all assignees consenting to the reissue application establish their ownership interest in the patent by filing in the reissue application a statement in accordance with 37 CFR 3.73(b).

*A copy of this notice **MUST** be returned with the reply.*

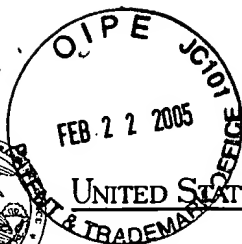
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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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NOV 27 2001

A. MARAIS



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

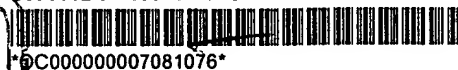
| APPLICATION NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTY. DOCKET NO./TITLE |
|--------------------|-------------|-----------------------|------------------------|
| 09/903,448 | 07/10/2001 | Kuriacose Joseph | 05214.P001RD4 RD2 |

CONFIRMATION NO. 9025

Andre L Marais
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025-1026

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NOV 26 2001

WITHDRAWAL NOTICE



BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN
LOS ANGELES

Date Mailed: 11/16/2001

WITHDRAWAL OF PREVIOUSLY SENT NOTICE

The Notice mailed on 10/05/2001 was sent in error and is hereby withdrawn. A corrected Notice is enclosed. The time period for reply runs from the mail date of the corrected Notice. We apologize for any inconvenience this caused.

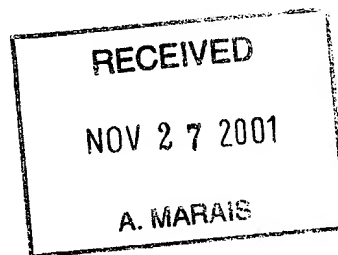
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FEB 25 2005

OFFICE OF PETITIONS

**ENTERED INTO
DATABASE**

Lindy S. Calender



*A copy of this notice **MUST** be returned with the reply.*

[Signature]

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY